

REMARKS

Status of Application

Claims 1 and 3-31 are pending. Claims 1, 3, 4, 6, 7, 9, and 13 were rejected; claims 2, 5, 10-12, and 14-17 were objected to but stated to set forth patentable subject matter. Claims 18-27 were allowed. Applicants gratefully acknowledge the allowance or indicated allowability of many of the claims, and have amended the claims in a manner that is believed to overcome the rejection.

The Prior Art Rejection

1, 3, 4, 6, 7, and 13 were rejected as anticipated by, and claim 9 as obvious over U.S. Patent No. 6,404,492 to Xu et al. (Xu). Applicants have amended the rejected independent claims and have rewritten some of the objected-to claims in independent form.

Claims Rewritten to Incorporate Allowable Subject Matter

Claim 1 has been amended to incorporate the subject matter of dependent claim 2, indicated as setting forth allowable subject matter, and therefore is believed allowable.

The discussion of claims 3, 6, and 30 will be deferred to the end of this discussion.

Claim 8, indicated as setting forth allowable subject matter, has been amended to recite substantially all the limitations of independent claim 6 from which it depended, and therefore is believed allowable.

Claim 10, indicated as setting forth allowable subject matter, has been amended to recite substantially all the limitations of independent claim 6 from which it depended, and therefore is believed allowable.

Claim 17, indicated as setting forth allowable subject matter, has been amended to recite substantially all the limitations of independent claim 6 from which it depended, and therefore is believed allowable.

New claim 28 is a method claim written along the lines of claim 1, but incorporating the features indicated allowable in dependent apparatus claim 17. Therefore, claim 28 is believed allowable.

Therefore, it is respectfully submitted that independent claims 1, 8, 10, 17 and 28 and their respective dependent claims are allowable

Claims 3, 6, and 30

Claims 3, 6, and 30 have been written or amended to recite, the fact that the quality characteristic is one or more of signal-to-noise ratio, bit error rate, and optical wavelength center frequency (claims 3 and 6 also recite specific bytes in SONET frames). This is believed to distinguish over Xu, which discloses a tunable light source suitable for spectroscopy applications and the like. The present invention, which is drawn to monitoring a quality characteristic of individual spectral bands in light having a plurality of spectral bands, is for a completely different application. The recitation that the quality characteristic is limited to one or more of signal-to-noise ratio, bit error rate, and optical wavelength center frequency (and possibly specific bytes in SONET frames), distinguishes over the prior art, which could be read as measuring optical power of a selected wavelength after transmission, reflection, or scattering from a sample.

Therefore, it is respectfully submitted that independent claims 3, 6, and 30 and their respective dependent claims are allowable.

Conclusion

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

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If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



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